

SENATE BILL 3339

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 120, relative to enacting the "Crohn's
Disease Restroom Access Act of 2008."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 120, is amended by adding the following as a new part:

68-120-601.

(a) This act shall be known and may be cited as the "Crohn's Disease Restroom Access Act of 2008".

(b) As used in this act:

(1) "Customer" means an individual who is lawfully on the premises of a retail establishment;

(2) "Eligible medical condition" means Crohn's disease, ulcerative colitis, any other inflammatory bowel disease, irritable bowel syndrome, or any other medical condition that requires immediate access to a toilet facility; and

(3) "Retail establishment" means a place of business open to the general public for the sale of goods or services. "Retail establishment" does not include a filling station or service station, with a structure of eight hundred square feet (800 sq. ft.) or less, that has an employee toilet facility located within that structure.

(c) A retail establishment that has a toilet facility for its employees shall allow a customer to use that facility during normal business hours if the toilet facility is reasonably safe and all of the following conditions are met:

(1) The customer requesting the use of the employee toilet facility suffers from an eligible medical condition or utilizes an ostomy device;

(2) Three (3) or more employees of the retail establishment are working at the time the customer requests use of the employee toilet facility;

(3) The retail establishment does not normally make a restroom available to the public;

(4) The employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retail establishment; and

(5) A public restroom is not immediately accessible to the customer.

68-120-602.

(a) A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer that has an eligible medical condition to use an employee toilet facility that is not a public restroom if the act or omission meets all of the following:

(1) It is not willful or grossly negligent;

(2) It occurs in an area of the retail establishment that is not accessible to the public; and

(3) It results in an injury to or death of the customer or any individual other than an employee accompanying the customer.

(b) A retail establishment is not required to make any physical changes to an employee toilet facility under this act.

68-120-603.

A violation of any provision of this part by a retail establishment or an employee of a retail establishment is a Class C misdemeanor that shall be punishable only by a fine not to exceed one hundred dollars (\$100).

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.